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5	UNITED STATES DISTRICT COURT	
6	DISTRICT OF NEVADA	
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8	BRANDON T. DALBY, VIRGINIE G. (DALBY,	2:10-CV-02231-PMP-GWF
10	Plaintiffs,	ORDER
11	VS.	
12 13	QUALITY LOAN SERVICE, INC., MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC	
14	BEST RATE FUNDING)	
15 16	Defendants.	
17	Before the Court for considerate	ion are the following motions:
18	Defendant Saxon Mortga	ge Services, Inc.'s Counter
19	Motion to Dismiss (Doc.	#6);
20	Defendant Saxon Mortga Motion to Expunge Lis P	ge Services, Inc.'s Counter endens (Doc. #7);
21	Defendant Mers' Joinder	to Saxon Mortgage Services,
22	(Doc. #18)	Dismiss and Expunge Lis Pendens
23	Plaintiffs' Motion to Remand (Doc. #11); and	
24	Plaintiffs' Motion to Strike[18] Joinder (Doc. #25).	
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1	On March 14, 2011, the Court conducted a hearing regarding the above-
2	referenced motions. At the close of the hearing, the Court permitted the parties an
3	additional 30 days to consult and attempt to resolve the case during which time the
4	Court would hold an abeyance on any ruling on the foregoing motions. The Court
5	has now been advised that the parties were unable to resolve the matter amicably and
6	that ruling on the foregoing motions is now appropriate. Having read and considered
7	the foregoing motions, and further considered the arguments presented at the hearing
8	conducted March 14, 2011, the Court finds that Defendant Saxon Mortgage Services,
9	Inc.'s Counter Motion to Dismiss (Doc. #6) and Motion to Expunge Lis Pendens
10	(Doc. #7) should be granted, and that Plaintiffs' Motion to Remand (Doc. #11)
11	should be denied. Specifically, the Court finds that Plaintiffs original "Petition in the
12	Nature of Quiet Title Action and Claim for Emergency Motion for Preliminary
13	Injunction" fails to comply with the requirements of Rule
14	8(a) of the Federal Rules of Civil Procedure, and reasons set forth in Defendant's
15	motion to dismiss fails to state a claim upon which relief can be granted thereby
16	warranting dismissal under Rule 12(b)(6) of the Federal Rules of Civil Procedure.
17	The Court further finds that Plaintiffs' Motion to Remand (Doc. #11) must
18	be denied because this action was properly removed to Federal Court on both Federal

st denied because this action was properly removed to Federal Court on both Federal Question and Diversity grounds.

IT IS THEREFORE ORDERED that Defendant Saxon Mortgage Services, Inc.'s Counter Motion to Dismiss (Doc. #6) is **GRANTED**.

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IT IS FURTHER ORDERED that Defendant Saxon Mortgage Services, Inc.'s Counter Motion to Expunge Lis Pendens (Doc. #7) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant Mers' Joinder to Saxon Mortgage Services, Inc.'s Countermotion to Dismiss and Expunge Lis Pendens (Doc. #18) is **GRANTED**.

1	IT IS FURTHER ORDERED that Plaintiffs' Motion to Remand (Doc.
2	#11) DENIED .
3	IT IS FURTHER ORDERED that Plaintiffs' Motion to Strike[18]
4	Joinder (Doc. #25) is DENIED .
5	IT IS FURTHER ORDERED that judgment shall forthwith be entered
6	by the Clerk of Court in favor of Defendants and against Plaintiffs Brandon Dalby
7	and Virginie Dalby.
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9	DATED: April 28, 2011.
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11	PHILIP M. PRO
12	United States District Judge
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